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09/396,428	09/15/1999	JOHN S. HENDRICKS	5915	7433

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/396,428

Applicant(s)

HENDRICKS ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 15-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 15-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 1 is objected to because of the following informalities: line 6, "subscriber input" has been misspelled "subscribe input", line 8, "disc storage device" has been misspelled as "disco storage device".

Claims 4 and 5 are objected to because of the following informalities Claims 4 and 5 are dependant on canceled claim 3. The examiner has examined these claims as though they were dependant upon claim 1.

Claim 11 is objected to because of the following informalities: line 7, "subscriber input" has been misspelled "subscribe input", line 12, "disc storage device" has been misspelled as "disco storage device".

Claim 23 is objected to because of the following informalities: line 8, "subscriber input" has been misspelled "subscribe input", line 12, "disc storage device" has been misspelled as "disco storage device".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 4, 6-13, 15-36, 38-44, and 47-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 5,483,277 to Granger.

Regarding claim 1, Florin discloses in figures 1 and 2 a transceiver 54 for use with a television program delivery system with menu selection of programs (figure 12), the set top terminal having a microprocessor 63 and microprocessor instructions for prompting generation of menus (column 9, line 59-column 10, line 6), comprising:

An interface 82 to the STB for receiving and processing subscriber input (column 8, lines 40-44), the STB receiving TV program signals based on the subscriber input (column 11, lines 36-59);

A disc storage device 70 (or optional hard drive, column 10, lines 7-26) connected to the interface providing local storage capacity,

And a microprocessor 63 connected between the interface and the disc storage device (figure 2).

Florin discloses the use of a number of plug in devices such as hard discs, modems, and CD-ROMs (column 10, lines 7-26), but is silent regarding the use of a hardware upgrade.

Granger discloses in figure 6, an upgrade module 300 for a set top box 302 which enables a user to operate more than two channels simultaneously (column 7, lines 11-41) thus enabling a user to expand the capabilities of a STB in the future.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to utilize a hardware upgrade as taught by Granger thus enabling a user to expand the capabilities of a STB in the future.

Regarding claim 2, Florin discloses that CDROM module 70 may play back an reference such as multimedia CD OM titles (column 10, lines 8-13).

Regarding claim 4, Florin discloses that CDROM 70 is coupled to CPU 63, applications on CDROM 70 may be accessed by transceiver 54 (column 10, lines 7-19).

Regarding claims 6-8, Florin discloses that transceiver 54 may connect to external devices through a serial port or SCSI interface (column 10, lines 21-26).

Regarding claims 9-10, Florin discloses that the disc storage device may be a CD-ROM device (column 10, lines 7-19).

Regarding claim 11, Florin discloses in figures 1 and 2 a transceiver 54 for use with a television program delivery system with menu selection of programs (figure 12),

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the set top terminal having a microprocessor 63 and microprocessor instructions for prompting generation of menus (column 9, line 59-column 10, line 6), comprising:

A receiver 54 adapted to receive programs

An interface 64 to the STB for receiving and processing subscriber input (column 8, lines 40-44), the STB receiving TV program signals based on the subscriber input (column 11, lines 36-59);

A disc storage device 70 (or optional hard drive, column 10, lines 7-26) connected to the interface providing local storage capacity,

And a microprocessor 63 connected between the interface and the disc storage device (figure 2).

Florin discloses the use of a number of plug in devices such as hard discs, modems, and CD-ROMs (column 10, lines 7-26), but is silent regarding the use of a hardware upgrade.

Granger discloses in figure 6, an upgrade module 300 for a set top box 302 which enables a user to operate more than two channels simultaneously (column 7, lines 11-41) thus enabling a user to expand the capabilities of a STB in the future.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to utilize a hardware upgrade as taught by Granger thus enabling a user to expand the capabilities of a STB in the future.

Regarding claim 12, Florin discloses in Figure 36, a menu function in which the currently viewed AV source icon is automatically highlighted (column 21, lines 41-67).

Regarding claim 13, Florin discloses that transceiver 54 may connect to external devices through a serial port or SCSI interface (column 10, lines 21-26).

Granger discloses that a plugin expansion device connects to a STB in figures 6-7 (column 7, lines 11-41).

The combination of Florin and Granger fails to disclose the use of an expansion card slot and expansion card connector.

The examiner takes official notice that the use of an expansion card connector and slot is notoriously well known in the art. For example ISA expansion cards in PCs enable a user to add new capabilities to a computing device through a common expansion interface without having to purchase an entirely new computing device.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin and Granger to utilize an expansion card slot and connect, thus enabling a user to add new capabilities to a computing device through a common expansion interface without having to purchase an entirely new computing device.

Regarding claim 15, the combination of Florin and Granger disclose a STB.

Florin and Granger fail to disclose the use of an HDTV terminal.

The examiner takes official notice that the use of an HDTV enabled terminal is notoriously well known in the art. HDTV terminals provide a higher quality picture than a standard definition terminal thus enabling a viewer to watch a program in more detail.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin and Granger to utilize an HDTV terminal in order to provide a higher quality picture thus enabling a viewer to watch a program in more detail.

Regarding claim 16, Florin discloses that one or more additional devices may be connected to the terminal (column 10, lines 21-26, figure 36).

Regarding claims 17-18, Florin discloses that a SCSI interface may be utilized for accessing digital storage devices such as hard disks (column 10, lines 21-23).

Florin and Granger do not disclose if more than one hardware upgrade is connected together in a daisy chain arrangement.

The examiner takes official notice that the use of a SCSI daisy chain arrangement is notoriously well known in the art. A SCSI daisy chain enables a high bandwidth bus between a number of devices and reduces costs as SCSI only requires a single SCSI port on a controlling device, thus acting like an I/O port.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin and Granger to utilize a SCSI daisy chain thus providing a high bandwidth bus between a number of devices and reducing costs as SCSI only requires a single SCSI port on a controlling device, thus acting like an I/O port.

Regarding claim 19, Florin discloses that the A/V connect module 66 may output for display signals from multiple connected devices simultaneously (column 9, lines 3-9).

Regarding claim 20, Florin discloses the use of a modem (column 10, lines 21-25).

Regarding claims 21-22 see claims 9-10.

Regarding claim 23, Florin discloses in figures 1 and 2 a transceiver 54 for use with a television program delivery system with menu selection of programs (figure 12), the set top terminal having a microprocessor 63 and microprocessor instructions for prompting generation of menus (column 9, line 59-column 10, line 6), comprising:

An interface 82 to the STB for receiving and processing subscriber input (column 8, lines 40-44), the STB receiving TV program signals based on the subscriber input (column 11, lines 36-59);

A disc storage device 70 (or optional hard drive, column 10, lines 7-26) connected to the interface providing local storage capacity,

And a microprocessor 63 connected between the interface and the disc storage device (figure 2).

Florin discloses the use of a number of plug in devices such as hard discs, modems, and CD-ROMs (column 10, lines 7-26), but is silent regarding the use of a hardware upgrade.

Granger discloses in figure 6, an upgrade module 300 for a set top box 302 which enables a user to operate more than two channels simultaneously (column 7, lines 11-41) thus enabling a user to expand the capabilities of a STB in the future.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to utilize a hardware upgrade as taught by Granger thus enabling a user to expand the capabilities of a STB in the future.

Regarding claims 24 and 27, Florin discloses that the TV program delivery system may be satellite or cable (column 8, lines 3-17).

Regarding claims 25-26, Florin discloses in figure 1, a service provider 50, which delivers programming to a user device (column 8, lines 7-12).

Regarding claim 28, see claim 15.

Regarding claims 29-30, see claims 9-10.

Regarding claim 31, Florin discloses in figures 1 and 2 a transceiver 54 for use with a television program delivery system with menu selection of programs (figure 12),

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the set top terminal having a microprocessor 63 and microprocessor instructions for prompting generation of menus (column 9, line 59-column 10, line 6), comprising:

An interface 82 to the STB for receiving and processing subscriber input (column 8, lines 40-44); the STB receiving TV program signals based on the subscriber input (column 11, lines 36-59);

A disc storage device 70 (or optional hard drive, column 10, lines 7-26) connected to the interface providing local storage capacity,

a microprocessor 63 connected between the interface and the disc storage device (figure 2)

an output 69 connected to the receiver and the storage device wherein the output accepts TV program signals from the receiver and data signals from the storage device.

Florin discloses the use of a number of plug in devices such as hard discs, modems, and CD-ROMs (column 10, lines 7-26), but is silent regarding the use of a hardware upgrade.

Granger discloses in figure 6, an upgrade module 300 for a set top box 302 which enables a user to operate more than two channels simultaneously (column 7, lines 11-41) thus enabling a user to expand the capabilities of a STB in the future.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to utilize a hardware upgrade as taught by Granger thus enabling a user to expand the capabilities of a STB in the future.

Regarding claims 32-33, Florin discloses in figure 2, that output 69, may be coupled to a TV 58 out connect to an AV device 57 (column 9, lines 4-10).

Regarding claim 34, see claim 2.

Regarding claim 35, Florin discloses that CPU 63 is connected to CDROM 70 via system bus 64 in figure 2.

Regarding claim 36 see claim 4.

Regarding claim 38, see claim 15.

Regarding claims 39-40 see claims 9-10.

Regarding claim 41, Florin discloses a method for delivering TV programs through a TV program delivery system (figure 1) with menu selection of programs (figure 12, column 9, line 59-column 10, line 6) comprising:

Receiving a TV program from a headend 50 (column 8, lines 8-12),

Receiving subscriber input through an interface 82 within the STB (column 8, lines 40-44), the set top terminal having a microprocessor 63 and microprocessor instructions for prompting generation of menus (column 9, line 59-column 10, line 6)

Providing TV program signals to the STB based on the subscriber input (column 11, lines 36-59);

Accessing data via disc storage device 70 (or optional hard drive, column 10, lines 7-26) connected to the interface providing local storage capacity

Displaying the TV program or information based on the accessed data (column 9, lines 4-10).

Florin inherently includes a microprocessor coupled to the CDRom or hard disc as a microprocessor is required to interface and control the media.

Florin discloses the use of a number of plug in devices such as hard discs, modems, and CD-ROMs (column 10, lines 7-26), but is silent regarding the use of a hardware upgrade.

Granger discloses in figure 6, an upgrade module 300 for a set top box 302 which enables a user to operate more than two channels simultaneously (column 7, lines 11-41) thus enabling a user to expand the capabilities of a STB in the future.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to utilize a hardware upgrade as taught by Granger thus enabling a user to expand the capabilities of a STB in the future.

Regarding claim 42, see claim 9.

Regarding claim 43, see claim 4.

Regarding claim 44, see claim 2.

Regarding claims 47-48, Florin discloses that information concerning the programs is retrieved in the VBI (column 9, lines 13-16, figure 3b, column 10, lines 45-67, column 14, line 59-column 15, line 7).

Regarding claims 49-50, Florin discloses that a user input is received via a remote control 60 (column 8, lines 40-44).

Regarding claim 51, Florin discloses generating a menu on a television (figure 12) and receiving menu selections via subscriber input (column 15, lines 12-37).

Regarding claim 52, Florin discloses that once a user presses the select button 155 over a time slot the program is displayed (column 15, lines 34-36).

Regarding claims 53-54, see claims 9-10.

Regarding claim 55, see claim 13.

Regarding claim 56, Florin discloses that CDROM 70 enables a user to utilize multimedia titles (column 10, lines 8-13).

4. Claims 5, 37, 45, 46 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 5,483,277 to Granger in further view of U.S. Patent 5,638,426 to Lewis and U.S. Patent 5,247,575 to Sprague.

Regarding claims 5, 37, 45, 46 and 57, Florin discloses a receiver 54, which interfaces with a CDROM 70 and receives programming from a provider 50 (figures 1 and 2) and information via the VBI.

The combination of Florin and Granger fails to disclose receiving information concerning programs, monitoring the information and accessing information via a disc storage device in response to monitoring.

Lewis discloses a multimedia processing system in which a TV program is synchronized to supplemental data on a remote CD/I, a user can then access the related information in more detail (column 15, lines 21-29, 43-56).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin and Granger to utilize the supplemental data as taught by Lewis, thus enabling a user to learn more about a subject in greater detail.

The combination of Florin, Granger and Lewis fails to disclose accessing a local disc device.

Sprague discloses a computing device with a local CDROM, a user may search keywords and upon receiving authorization information, the CDROM is accessed locally (column 16, lines 39-58, column 17, lines 10-22, column 19, lines 1-4, column 20, lines 5-29) thus providing faster access times.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Florin Granger, and Lewis to utilize the local CDROM access of Sprague in order to provide faster access times to requested data.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



CHRIS GRANT
PRIMARY EXAMINER